

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

**TUESDAY, THE ELEVENTH DAY OF JANUARY
TWO THOUSAND AND FIVE**

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION No. 68 of 2005

Between:

V.Vijaya Lakshmi, w/o V.Seetharaman,
R/o Door No.291 (Old No.201/A) Danduware Street,
G.T.Road, Nellore.

..... PETITIONER

AND

- 1 The District Collector/Special Officer, Nellore District, Nellore.
- 2 The Commissioner, Municipal Corporation of Nellore,
Nellore District.
- 3 The Town Planning Officer, Municipal Corporation of Nellore,
Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in taking steps to demolish the petitioner's house bearing Door No.291 (old No.201/A), Ward No.17, situated at Danduware Street, G.T.Road, Nellore, without following the due process of law, is illegal, arbitrary and violative of fundamental rights guaranteed to the petitioner under the Constitution of India and consequently direct the respondent not to demolish the petitioner's house.

Counsel for the Petitioner : Mr.V.SUBRAHMANYAM

Counsel for the Respondents : G.P. FOR MUNICIPAL ADMN. &
URBAN DEV.

The Court made the following :

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ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for respondents.

The petitioner, who is claiming to be an absolute owner and possessor of the house bearing Door No. 291(Old No.201/A), Ward No.17 of Danduware Street, G.T.Road, Nellore, filed the present writ petition complaining that the respondents are trying to demolish the said structure for widening of the road, without following due process of law.

This Court in catena of judgments held that when the Municipal Corporation or Municipality undertakes widening of the road work, and in that process, proposes to demolish the structures of the citizens, necessary procedure as contemplated under the provisions of the A.P. Municipalities Act has to be followed by notifying the area affected for such widening of the road. If the owners of the premises do not come forward to surrender the land, which is affected by road widening, necessary proceedings have to be initiated against them under the provisions of the A.P. Municipalities Act or Land Acquisition Act for such acquisition. Without following such procedure, the citizen cannot be deprived of the property.

In view of the same, it is expected that the Municipality will follow such mandate as declared by this Court before depriving of the right of the petitioner over the property in question.

The writ petition is accordingly disposed of. No costs.

A. Gopal Reddy, J

Date: 11.01.2005

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To

- 1 The District Collector/Special Officer, Nellore District, Nellore.
- 2 The Commissioner, Municipal Corporation of Nellore, Nellore District.
- 3 The Town Planning Officer, Municipal Corporation of Nellore, Nellore District.
- 4 Two CCs to the G.P. for Municipal Administration & Urban Development, High Court Buildings, Hyderabad (OUT).
- 5 Two CD copies.